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FILED

IN THE UNITED STATES DISTRICT COURT AT ALBUQUERQUE NM
FOR THE DISTRICT OF NEW MEXICO

JUL 27 1999

EDWARD TIMOTHY GARCIA,

Plaintiff,

ROBERT M. MARCH
CLERK

v.

No. CIV-99-0198 JP/WWD

REED SMITH (Warden) WACKENHUT CORP.,
E. BRAVO (Associate Warden) WACKENHUT CORP.,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter is before the Court on Plaintiff's motion to review memorandum opinion and order (Doc. #17) filed July 12, 1999. The motion asks that the order of dismissal entered June 28, 1999, be set aside and the case be reopened. Plaintiff makes no statement as to the date the motion was placed in the prison mail system, *see United States v. Crowell*, --- F.3d ---, 1999 WL 285855, at *1 (10th Cir. April 21, 1999), and the motion is construed herein as a motion under Fed.R.Civ.P. 59(e) to alter or amend the June 28 order.

The motion is insufficient as a matter of law. "The purpose for [a Rule 59(e)] motion 'is to correct manifest errors of law or to present newly discovered evidence.' " *Committee for The First Amendment v. Campbell*, 962 F.2d 1517, 1523 (10th Cir. 1992) (quoting *Harsco Corp. v. Zlotnicki*, 779 F.2d 906, 909 (3d Cir. 1985)). "Rule 59(e) cannot be used to expand a judgment to encompass new issues which could have been raised prior to issuance of the judgment." *Steele v. Young*, 11 F.3d 1518, 1520 n.1 (10th Cir. 1993) (citations omitted). Plaintiff presents nothing more than his opinion of the cause of a rash on his feet, and he identifies no manifest errors of law, new evidence, or claims that were unavailable before his complaint was dismissed. The motion will be denied.

IT IS THEREFORE ORDERED that Plaintiff's motion (Doc. #17) filed July 12, 1999, to review memorandum opinion and order, construed herein as a motion under Fed.R.Civ.P. 59(e), is DENIED.


UNITED STATES DISTRICT JUDGE

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